



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,359	03/12/2004	Yoshikazu Takamatsu	Q80302	5625

65565 7590 04/06/2007
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
----------	--------------

3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/798,359	Applicant(s) TAKAMATSU ET AL.	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/3/07 & 2/5/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 26-30 is/are pending in the application.
 4a) Of the above claim(s) 1-9 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13, 15 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/790,716.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/07 has been entered.

Election/Restrictions

Claims 1-9 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/19/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US 4,886,305).

With particular reference to Figs. 3-4, Martin discloses a duplex pipe and a joint for the duplex pipe, the duplex pipe including an outer pipe (36) for passing a first fluid, an inner pipe (38) disposed inside of the outer pipe, the inner pipe for passing a second fluid, and a rib (42) for connecting the outer pipe with the inner pipe wherein the inner pipe extends beyond the outer pipe to expose a portion of the inner pipe, the joint comprising: a main body (30/32) formed in a block shape, the main body forming a first opening (opening receiving outer pipe) and first passage (defined by 46 and space between 30 and 32) and a second opening (opening receiving inner pipe) and a second passage (within 30), wherein the first and second openings are defined in one and the same side surface of the main body independently from each other; and wherein the outer pipe, the inner pipe and the ribs of the duplex pipe are formed as one body.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 15, 27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US 4,886,305) in view of O'Laughlin (US 1,986,010).

With particular reference to Figs. 3-4, Martin discloses a duplex pipe and a joint for the duplex pipe, the duplex pipe including an outer pipe (36) for passing a first fluid,

Art Unit: 3679

an inner pipe (38) disposed inside of the outer pipe, the inner pipe for passing a second fluid, and a rib (42) for connecting the outer pipe with the inner pipe wherein the inner pipe extends beyond the outer pipe to expose a portion of the inner pipe, the joint comprising: a main body (30/32) formed in a block shape, the main body forming a first opening (opening receiving outer pipe) and first passage (defined by 46 and space between 30 and 32) and a second opening (opening receiving inner pipe) and a second passage (within 30); first and second connecting portions, the second connecting portion defining a concave portion (tapered shoulder adjacent end of pipe 38 in Fig. 3); a stopper (tapered shoulder adjacent end of pipe 36 in Fig. 3). Martin fails to teach a brazing material brazed in the concave portion. O'Laughlin teaches a joint wherein a soldering or brazing ring is disposed an interior shoulder of the fitting that acts as a stop for an inserted pipe, the ring acting to secure the end of the inserted pipe upon application of heat. In view of O'Laughlin's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a soldering/brazing ring at the stopper portion of Martin as an alternate means to reliably secure the inner pipe (38) to the fitting.

With respect to claim 12, wherein the concave portion has a tapered cross-section.

With respect to claim 13, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

With respect to claim 15, wherein the main body comprising: a first wall defining a blind hole in the first passage; and the first connecting portion is formed at a release end of the blind hole. Refer to the figures.

With respect to claim 29, wherein the concave portion opens toward the first passage.

With respect to claim 30, wherein the first and second openings are defined in one and the same side surface of the main body independently from each other.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

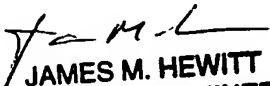
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
4/1/07


JAMES M. HEWITT
PRIMARY EXAMINER